

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re NURTURE BABY FOOD LITIGATION

Master File No.: 1:21-cv-01217-MKV

This Document Relates To:

The Honorable Mary Kay Vyskocil

ALL ACTIONS

**[PROPOSED] ORDER APPOINTING INTERIM CO-LEAD COUNSEL  
AND EXECUTIVE COMMITTEE**

1. This matter came before the Court on competing motions to appoint Interim Lead (or Co-Lead) Counsel submitted by various Plaintiffs' counsel. Having considered all timely submissions and Federal Rule of Civil Procedure 23(g), the Court hereby appoints Melissa S. Weiner (Pearson, Simon & Warshaw, LLP) and Michael R. Reese (Reese LLP) as Interim Co-Lead Counsel; and Melissa Emert (Kantrowitz, Goldhamer & Graifman, P.C.), Annick M. Persinger (Tycko & Zavareei LLP), Jason P. Sultzer (The Sultzer Law Group P.C.), Charles E. Schaffer (Levin Sedran & Berman LLP), and Rachel Soffin (Milberg Coleman Bryson Phillips Grossman, PLLC) are appointed as Interim Executive Committee members.

2. Duties of Interim Counsel:

Pursuant to Federal Rule of Civil Procedure 23(g)(4), Interim Counsel must fairly and adequately represent the interests of the class. Interim Counsel also shall be generally responsible for coordinating the activities of the proposed class(es) during pretrial proceedings and shall have the sole authority to:

a. determine the causes of action and factual allegations for the consolidated complaint;

b. determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by designees) to the Court and opposing parties the position of the proposed class(es) on all matters arising during pretrial proceedings;

c. coordinate the initiation and conduct of discovery on behalf of the proposed class(es) consistent with the requirements of the Federal Rule of Civil Procedure 26, including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;

d. conduct settlement negotiations on behalf of the proposed class(es);

e. delegate specific tasks to the Executive Committee and other plaintiff's counsel in a manner to ensure that pretrial preparation for the proposed class(es) is conducted efficiently and effectively;

f. enter into stipulations with opposing counsel as necessary for the conduct of the litigation;

g. maintain adequate time and disbursement records covering services as interim class counsel, and also, that at least quarterly it collect any such time and disbursement records from other firms authorized to work on this matter; and

h. perform such other duties as may be incidental to proper coordination of the proposed class(es) pretrial activities or authorized by future order of Court.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

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Mary Kay Vyskocil  
United States District Judge